

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS & ST. JOHN

	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal No. 2005-96
	)	
v.	)	
	)	
KEVIN HARVEY,	)	
	)	
Defendant.	)	
	)	
	)	

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ATTORNEYS:

Delia L. Smith, AUSA  
St. Thomas, U.S.V.I.  
*For the Plaintiff,*

Michael E. Fitzsimmons, Esq.  
St. Thomas, U.S.V.I.  
*For the Defendant.*

ORDER

GÓMEZ, C.J.

Before the Court is defendant Kevin Harvey's ("Harvey") motion to suppress. For the reasons stated in the accompanying memorandum of even date, it is hereby

**ORDERED** that Harvey's motion to suppress is **GRANTED**; it is further

**ORDERED** that the statements made by Harvey after his arrest

shall be **SUPPRESSED**;<sup>1</sup> it is further

**ORDERED** that all physical evidence obtained on November 3, 2005 shall be **SUPPRESSED**.

**DATED: November 29, 2006**

**FOR THE COURT:**

                    /s/                      
**Curtis V. Gómez**  
**Chief Judge**

**ATTEST:**

**WILFREDO MORALES**  
**Clerk of the Court**

By:                     /s/                      
**Deputy Clerk**

Copies to:

Hon. Judge G.W. Barnard  
Delia L. Smith, AUSA  
Michael Fitzsimmons, Esq.  
Olga Schneider  
Carol C. Jackson  
Lydia Trotman  
Bailey Figler

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<sup>1</sup> The statements suppressed by this order do not include those post-arrest statements made in response to administrative inquiries or any inquiries made to obtain consent to search.